

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 40

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YOUNG UN BANG

Appeal No. 2003-1519
Application No. 09/109,884

ON BRIEF

Before OWENS, LIEBERMAN, and POTEATE, Administrative Patent Judges.

LIEBERMAN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134 from the decision of the examiner refusing to allow claims 1, 3, 5, 7 through 17, 19 through 24 and 26 through 37 which are all the claims pending in this application.

THE INVENTION

The invention is directed to a liquid crystal display (LCD) apparatus wherein the front surface of the LCD module is covered with a metal frame. The LCD module has an

enclosure surrounding a side and rear surface. A case prepared from aluminum or an alloy thereof is secured to the enclosure and electrically coupled to the LCD display module via the metal frame. Additional limitations are described in the following illustrative claim.

THE CLAIM

Claim 1 is illustrative of appellant's invention and is reproduced below:

1. A liquid crystal display apparatus, comprising:

a liquid crystal display module for displaying data a periphery of the front surface of the liquid crystal display module being covered with a metal frame;

an enclosure loaded with the liquid crystal display module and substantially surrounding a side surface and a rear surface of the liquid crystal display module; and

a case secured to the enclosure and the liquid crystal display module, said case being made from aluminum or aluminum alloy to protect the circumference of a display area in the liquid crystal display module and electrically coupled to said liquid crystal display module via the metal frame.

THE REFERENCES OF RECORD

As evidence of obviousness, the examiner relies upon the following references:

Plesinger	5,146,354	Sep. 8, 1992
Kim	5,872,606	Feb. 16, 1999
Yeager et al. (Yeager)	6,002,582	Dec. 14, 1999

THE REJECTIONS

Claims 1, 3, 17, 19, 23, 26, 30 through 32 and 34 through 37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yeager in view of Plesinger.

Claims 5, 7, 24 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yeager in view of Plesinger and further in view of Kim.

Claims 8 through 16, 20 through 22 and 27 through 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yeager in view of Plesinger and further in view of Kim.

OPINION

We have carefully considered all of the arguments advanced by the appellant and the examiner and agree with the appellant that the rejections of the claims under Section 103(a) are not well founded. Accordingly, we reverse each of the rejections

The Rejection under Section 103(a)

It is the examiner's position that, "[i]t would have been obvious to [sic, the person] having ordinary skill in the art at the time the invention was made to modify the display apparatus of Yeager with the metal case (or bezel) taught by Plesinger for the purpose of having better EMI shielding and heat dissipation." See Answer, page 4. We disagree.

The conclusion of the examiner is based upon numerous findings of fact which form the basis for the examiner's conclusion of obviousness supra. We find however, that many of the findings are in themselves either erroneous or misidentify the elements found in the references. Thus, **28** is found to be a display apparatus in the Answer. See Answer, page 3. Yeager, however, identifies **28** as "a hinged top or cover." See column 2, lines 37-38, 44 and 50. The Answer identifies **64** as constituting a metal frame. See Answer,

page 3. Yeager however, identifies **64** as a metal band. See column 2, line 64. Most significantly, the Answer identifies **48** as constituting a case or bezel. See Answer, page 3. Yeager however, not only identifies **48** as an “adapter,” column 3, lines 1 and 6, but uses the term, “bezel” for **50**. See column 3, lines 36, 42 and 63. Accordingly, the discussion of the Yeager reference in the Answer is confusing and in conflict with the specific teachings of Yeager.

Furthermore, the characterization of Plesinger is likewise without merit. The Answer identifies **122**, Fig. 4 as a case or bezel. Plesinger, however, identifies **122** as a front frame member. Moreover, Plesinger explicitly teaches that, “the entire assembly described above is enclosed in a separate plastic enclosure **126**. The plastic enclosure **126** preferably comprises a front panel **128** having plastic tabs **130** (FIG. 4) and a pan-shaped back member **132** having lip members **134** (FIG. 4).” See column 4, lines 32-36. See also column 5, lines 56-62. Accordingly, we conclude that Plesinger fails to teach a display apparatus having a metal bezel or case, let alone one from aluminum.

Based upon the above analysis, we have determined that the examiner’s legal conclusion of obviousness is not supported by the facts. “Where the legal conclusion is not supported by [the] facts[,] it cannot stand.” In re Warner, 379 F.2d 1011, 1017, 154 USPQ 173, 178 (CCPA 1967), cert. denied, 389 U.S. 1057 (1968), reh’g denied, 390 U.S. 1000 (1968).

In view of the fact that the examiner did not rely upon Kim to remedy the limitations of claim 5 that appear in claim 1, we need not consider the Kim reference.

DECISION

The rejection of claims 1, 3, 17, 19, 23, 26, 30 through 32 and 34 through 37 under 35 U.S.C. § 103(a) as being unpatentable over Yeager in view of Plesinger is reversed.

The rejection of claims 5, 7, 24 and under 35 U.S.C. § 103(a) as being unpatentable over Yeager in view of Plesinger and further in view of Kim is reversed.

The rejection of claims 8 through 16, 20 through 22 and 27 through under 35 U.S.C. §103(a) as being unpatentable over Yeager in view of Plesinger and further in view of Kim is reversed.

The decision of the examiner is reversed.

REVERSED

TERRY J. OWENS
Administrative Patent Judge

PAUL LIEBERMAN
Administrative Patent Judge

LINDA R. POTEATE
Administrative Patent Judge

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